

# MICHIGAN STATE MEDICAL SOCIETY

120 WEST SAGINAW STREET, EAST LANSING, MICHIGAN 48823, PHONE 517/337-1351  
FAX 517/337-2490

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MEMO TO: House Health Policy Committee

MEMO FROM: John G. Bizon, MD, President

RE: Opposition to House Bill 5711

On behalf of the physicians of the Michigan State Medical Society (MSMS), I am writing in opposition to House Bill 5711. This legislation seeks to impose several requirements only upon physicians who perform abortions. Regardless of the underlying issue, MSMS typically opposes any legislation that creates a standard of care, interferes with the physician-patient relationship, places an undue financial hardship on physicians, or uses vague or inconsistent terminology. House Bill 5711 includes all of these attributes.

The opposition of MSMS to House Bill 5711 should not be construed as a position on the issue of abortion. The concerns of the medical community are limited to the specific wording of this legislation, including the following:

- The professional judgment of the physician should be the determining factor for the course of treatment. While we agree with the intent to assure that patients have not been coerced into having any sort of medical treatment, his decision is based on the individual needs of the patient and the professional judgment of the physician.
- Using a gestational age based on conception is a concept not widely recognized within medicine. Therefore, this requirement could create ambiguity about precisely when compliance with state law is required for fetal disposition.
- Physicians in Michigan carry a wide range of professional liability policies. Decisions about what limits to carry is based on the on multiple factors including affordability. \$1 million policies are among the most expensive policies and for high risk specialties such as obstetrics may be unaffordable.
- House Bill 5711 contains significant penalties for physicians who fail to comply with the provisions of this legislation. Because portions of this legislation are vague and the penalties are severe, House Bill 5711 is likely to have a chilling effect among physicians.

Physicians are committed to providing the highest quality care based on the medical needs of the patient. House Bill 57111 replaces medical judgment with a single standard that that may not be medically appropriate in all instances. Furthermore, this legislation creates uncertainty for physicians who would be required to comply with this law as the terminology is inadequately defined. For these reasons, MSMS opposes Senate Bill 5711.

